

REMARKS

Claims 1, 6-8 and 28-30 remain pending in the present application. The claims have not been amended in response to the above referenced Office Action.

REJECTION UNDER 35 U.S.C. § 103

Claims 1 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fister, et al. (U.S. Pat. No. 4,518,058) in view of Handke, et al. (U.S. Pat. No. 4,328,960). Claims 6, 7, 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fister, et al. in view of Handke, et al. as applied to Claim 1 above, and further in view of E. Tuneblom (U.S. Pat. No. 3,339,680). Applicants respectfully traverse this rejection.

The Examiner states that Fister, et al. discloses some of the elements of the present invention but Fister, et al. fails to disclose the fluid chamber being completely filled with pressurized gas. Fister, et al. discloses a fluid chamber completely filled with hydraulic oil.

Regarding the valve body 33, 34 disposed within the working chamber which defines fluid chamber 39, valve body 33, 34 is not fixedly secured to the inner cylindrical surface of the pressure tube as is defined in pending Claim 1. The specification of Fister, et al. is silent with regard to whether or not valve body 33, 34 is fixedly secured to pressure tube 15. In column 3, lines 41-44, Fister, et al. states that spring 32 butts orifice plate which is in turn supported on a cup 34 which abuts closed end 16. Figure 3 clearly illustrates a gas between pressure tube 15 and cup 34. Thus, while cup 34 may

be resiliently biased against closed end 16, there is nothing in Fister, et al. which supports the Examiner's position that cup 34 is fixedly secured to pressure tube 15.

The present invention defines the fluid chamber as being completely filled with a pressurized gas. The Examiner agrees that Fister, et al. does not disclose this feature because Fister, et al. is filled with hydraulic fluid. There is nothing which indicates that there is any pressurizing load being exerted on the hydraulic fluid.

The Examiner then goes to Handke, et al. to find a pneumatic damping instead of hydraulic damping. Replacing the hydraulic fluid in Fister, et al. with the pneumatic damping fluid of Handke, et al. would still not provide the fluid chamber filled with a pressurized gas as is defined in currently pending Claim 1. It would simply provide a fluid chamber filled with air. There is nothing that teaches pressurized gas. Handke, et al. states in column 3, lines 12 and 13 that chamber 130 is filled with gas or air possibly under pressure. In column 7, lines 3-5 where the Examiner finds this support for pneumatic damping instead of hydraulic damping, Handke, et al. is silent as to whether or not the pneumatic fluid is under pressure. Thus, there is no support in Fister, et al. combined with Handke, et al., to completely fill the fluid chamber with a pressurized gas.

Thus, since there is no teaching of a fixedly secured valve body and no teaching for a fluid chamber filled with a pressurized gas. Applicants believe Claim 1 patentably distinguishes over the art of record. Likewise, Claims 6-8 and 28-30, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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